

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert F. Rioux, et al.

Examiner: Pellegrino, Brian E.

Serial No.: 09/935,487

Art Unit: 3738

Filed: August 23, 2001

Confirmation No.: 1401

For: **MAINTAINING AN OPEN PASSAGEWAY THROUGH A BODY LUMEN**

MAIL STOP AF

FILED ELECTRONICALLY

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. 1.116

In response to the final action mailed from the Office on January 7, 2009, Applicant submits the following Amendments and Remarks.

Applicant submits that neither a fee nor an extension of time is required to have this response entered and considered. Applicant, however, conditionally petitions for any required extension of time to provide for the possibility that such a petition is required but has been inadvertently overlooked. Also, Applicant conditionally authorizes the Office to charge Deposit Account **50-1283** for any required fee(s), whether for an extension of time needed to make this response timely and have it considered, excess claims, or any other reason.

Amendments to the Claims are reflected on the listing of the claims which begins on Page 2 of this paper.

Remarks begin on Page 5 of this paper.